IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NOs: 8249, 8251, 8252

And 8253of 2004

W.P.No.8249 OF 2004

Between:

K. Sudhakar, S/o. Sri, K. Narsaiah,
R/o.H.No.11-25-253, Kothavada, Warangal, Warangal

District.

... PETITIONER

AND

1 Bharat Sanchar Nigam Limited, Rep. by its Chairman &

Managing Director
Statesman House, Connaught Place, New Delhi.
2 Chief General Manager, Bharat Sanchar Nigam Limited,
Andhra Pradesh Circle, Office at Doorsanchar Bhavan,

Nampally Station Road, Hyderabad.
3 General Manager, Bharat Sanchar Nigam Limited,
Telecom District, Nalgonda, Nalgonda District, A.P.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a Writ in the nature of Writ of mandamus, directing the Respondents to pay all the bills together with interest for the works already carried out by the Petitioner under the Tender Acceptance Letter No.Z-30/2002-03/Cables/KW/21 dated 01-02-2002 and agreement dated 30-01-2002.

Counsel for the Petitioner: MR.M.NARENDER REDDY

Counsel for the Respondent No.: MR.ARAJASHEKAR REDDY (SC FOR CG)

W.P.No.8251 OF 2004

Between:

G.Rameshwar Rao, S/o. Sri.Ranga Rao,
H.No.6-6-36, Ravindra Nagar,
Nalgonda-508001.A.P.

... PETITIONER

AND

1 Bharat Sanchar Nigam Limited, rep.by it's Chairman &

Managing Director,
Statesman House, Connaught Place,
New Delhi.

2 Chief General Manager, Bharat Sanchar Nigam Limited,
Andhra Pradesh Circle, Office at Doorsanchar Bhavan,
Nampally Station Road, Hyderabad.

3 General Manager, Bharat Sanchar Nigam Limited,
Telecom District, Nalgonda ,

Nalgonda District,A.P.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a Writ in the nature of Mandamus, directing the Respondents to pay all the bills together with interest for the works already carried out by the Petitioner under the Tender Acceptance Letter No.Z-30/2002-03/Cables/KW/9 dated 1.2.2002 and agreement dt.30.1.2002 and pass.

Counsel for the Petitioner: MR.M.NARENDER REDDY

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO: 8252 of 2004

Between:

M/s. S.V. Constructions, A. Partner Firm, rep. by its

Partner M. Vishnuvardhan Rao, Sri Pattabhi Rama Rao,

Office at 16-12-146/24/11, Akbar Bagh, Malakpet,

Hyderabad.

... PETITIONER

AND

1 Bharat Sanchar Nigam Limited, rep. by its Chairman &

Managing Director,
Statesman House, Connaught Place, New Delhi.

2 Chief General Manager, Bharat Sanchar Nigam Limited,
A.P. Circle, Offie at Doorsanchar Bhavan, Nampally

Station Road, Hyderabad.

3 General Manager, Bharat Sanchar Nigam Limited,
Telecom District, Nalgonda, Nalgonda Dist, A.P.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a Writ in the nature of Mandamus, directing the Respondents to pay all the bills together with interest for the works already carried out by the Petitioner under the Tender Acceptance Letter No.Z-30/2002-03/Cables/KW/12 and letter No.Z-30/2002-03/Cables/KW/18 dated 01.02.2002 and agreement dated 30.01.2002.

Counsel for the Petitioner: MR.M.NARENDER REDDY

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO: 8253 of 2004

Between:

M/s. Sri Ramakrishna Enterpirses, A Partnership Firm,

rep. by its Managing Partner K.K.Rao,
S/o. Krishna Rao, Office at 12-1-331/44A, Asifnagar,

Hyderabad.

... PETITIONER

AND

1 Bharat Sanchar Nigam Limited, rep. by its Chairman &

Managing Director, Statesman House, Connaught Place,

New Delhi.

2 Chief General Manager, bharat Sanchar Nigam Limited,
A.P. Circle, Office at Doorshanchar Bhavan, Nampally

Station Road, Hyderabad.

3 General Manager, Bharat Sanchar Nigam Limited,
Telecom District, Nalgonda, Nalgonda District, A.P.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a Writ in the nature of Mandamus, directing the Respondents to pay all the bills together with interest for the works already carried out by the Petitioner under the Tender Acceptance Letter No.Z-30/2002-03/Cables/KW/16 dated 01.02.2002 and agreement dated 20.01.2002.

Counsel for the Petitioner: MR.M.NARENDER REDDY

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court, at the admission stage, made the following:

COMMON ORDER:

Heard both the counsel.

2. Since the issue involved in all the writ petitions is common, they are being disposed of by this common order.

3. The case of the petitioners in all the writ petitions is that pursuant to the contract agreement entered by them with the respondents, certain works have been executed. Now, their grievance is that in spite of executing the works, no payments have been made by the respondents. Hence, they filed the present writ petition.

4. It is represented by both the counsel that during the pendency of the writ petitions most of the amounts have been paid to the petitioners, but there are disputes with regard to payment of certain amounts. It is further submitted that there is a specific clause in the tender agreement itself that if any disputes arose, the same shall be referred for arbitration and the petitioners want to avail the said remedy.

5. In view of the above submission, since there is already clause in the tender agreements for arbitration and as the petitioners want to avail the said remedy, no further orders need be passed in these writ petitions. Accordingly they are closed.

6. However, it is needless to observe that in case of further dispute, the petitioners are always at liberty to approach appropriate forum for redressal.

In the circumstances of the case, there shall be no order as to costs.

N. V. RAMANA, J

02.12.2004

AVS/NSR

To:

1 Chairman & Managing Director, Bharat Sanchar Nigam

Limited, Statesman House, Connaught Place, New

Delhi.

2 Chief General Manager, Bharat Sanchar Nigam Limited,
Andhra Pradesh Circle, Office at Doorsanchar Bhavan,

Nampally Station Road, Hyderabad.

3 General Manager, Bharat Sanchar Nigam Limited,
Telecom District, Nalgonda, Nalgonda District, A.P.

4 Two C.D. Copies.